



Translation

# PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 3079WOOP	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/JP2003/010532	International filing date (day/month/year) 20 August 2003 (20.08.2003)	Priority date (day/month/year) 21 August 2002 (21.08.2002)
International Patent Classification (IPC) or national classification and IPC C12N 15/12, 1/19, 1/21, 5/10, C07K 14/82, 16/32, C12P 21/02, C12Q 1/68, A61P 35/00, 43/00, A61K 31/7088, 38/17, 39/395, 45/00, 48/00		
Applicant TAKEDA CHEMICAL INDUSTRIES, LTD.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of \_\_\_\_\_ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 18 September 2003 (18.09.2003)	Date of completion of this report 20 April 2004 (20.04.2004)
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International Application No.

PCT/JP2003/010532

## I. Basis of the report

### 1. With regard to the elements of the international application:\*

- ☒ the international application as originally filed
- ☐ the description:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the claims:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, as amended (together with any statement under Article 19  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the drawings:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the sequence listing part of the description:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

### 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

### 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☒ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☒ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

### 4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/fig \_\_\_\_\_

### 5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

/JP03/10532

## III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application.

☒ claims Nos. 3-5, 8-19, 21, 22, 24, 25, 35-40, 42, 43 and 50 each excluding the parts relating to SEQ ID Nos. 4 and 5; and claims 1, 2, 6, 7, 20, 23, 26-34, 41 and 44-49  
because:

☒ the said international application, or the said claims Nos. 20, 48, 49  
relate to the following subject matter which does not require an international preliminary examination (*specify*):

The Above claims relate to methods for treatment of the human body by surgery or therapy, as well as diagnostic methods.

☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 23, 26, 27, 41, 44  
are so unclear that no meaningful opinion could be formed (*specify*):

The specification does not describe any specific compound to be obtained by the screening methods or kits described in claims 23, 26, 27, 41 and 44. Accordingly, claims 23, 26, 27, 41 and 44 are not adequately supported by the specification, nor provide adequate disclosure. Even in view of the common general technical knowledge at the time of the filing, it is not at all clear what compounds are referred to. It is therefore impossible to conduct a meaningful search on the subject matters of the above claims.

☒ the claims, or said claims Nos. 23, 26, 27, 41, 44 are so inadequately supported by the description that no meaningful opinion could be formed.

☒ no international search report has been established for said claims Nos. 3-5, 8-19, 21, 22, 24, 25, 35-40, 42, 43 and 50 each excluding the parts relating to SEQ ID Nos. 4 and 5; and claims 1, 2, 6, 7, 20, 23, 26-34, 41 and 44-49

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the standard.

☐ the computer readable form has not been furnished or does not comply with the standard.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

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## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

### 1. Statement

Novelty (N)	Claims		YES
	Claims	3-5, 8-19, 21-22, 24-25, 35-40, 42-43, 50	NO
Inventive step (IS)	Claims		YES
	Claims	3-5, 8-19, 21-22, 24-25, 35-40, 42-43, 50	NO
Industrial applicability (IA)	Claims	3-5, 8-19, 21-22, 24-25, 35-40, 42-43, 50	YES
	Claims		NO

### 2. Citations and explanations

Document 1: WO, 01-74836, A1 (Hyseq, Inc.), 11 October, 2001 (11.10.01)  
 Document 2: WO, 00-35937, A1 (Human Genome Science, Inc.), 22 June, 2000 (22.06.00)

The subject matters of claims 3-5, 8-19, 21, 22, 24, 25, 35-40, 42, 43 and 50 do not appear to be novel or to involve an inventive step in view of documents 1 and 2.

Documents 1 and 2 describe base sequences having the same sequence as a partial sequence of polynucleotide of SEQ ID NO.: 5 of the present application.